

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 PIERRE DONTE JOSHLIN,
4

5 Petitioner,

6 vs.

7 DWIGHT NEVEN, *et al.*,
8

9 Respondents.

Case No. 2:13-cv-01014-JAD-NJK

**Order Granting Leave to File Second Amended
Petition for Writ of Habeas Corpus and
Suspending Reply Deadline
[#39]**

10 This is a habeas corpus proceeding pursuant to 28 U.S.C. § 2254. On May 12, 2015, this
11 court entered an order granting petitioner's motion for leave to conduct limited discovery in relation
12 to Ground 3(c) in his first amended petition. Doc. 35. The order also denied petitioner's motion to
13 stay briefing on respondents' pending motion to dismiss. *Id.*

14 Petitioner has now filed an unopposed motion to file a second amended petition for writ of
15 habeas corpus that will omit Ground 3(c) but otherwise leave his current petition substantively intact.
16 Doc. 39. According to petitioner, he has completed discovery and is satisfied that Ground 3(c) lacks
17 evidentiary support. Petitioner represents to the court that the respondents do not oppose the motion
18 but reserve the right to object if petitioner adds any new grounds for relief or makes any substantive
19 changes to the remaining grounds found in the first amended petition (Doc. 26).

20 Petitioner further notes that respondents' motion to dismiss (Doc. 31) is premised entirely on
21 the procedural viability of Ground 3(c). Thus, filing an amended petition omitting the claim will
22 render the motion moot and obviate the need for respondents to file a reply in support of the motion.

23 Good cause appearing, the court grants petitioner's motion.

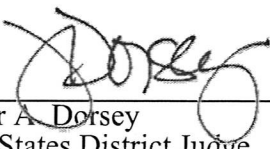
24 IT IS THEREFORE ORDERED that petitioner's unopposed motion to file a second amended
25 petition for writ of habeas corpus (**Doc. 39**) is **GRANTED**. **Petitioner has until July 6, 2015, to**
26 **file a second amended petition for writ of habeas corpus** omitting Ground 3(c) but not making

1 any other substantive changes to his current (first amended) petition for writ of habeas corpus (Doc.
2 26).

3 IT IS FURTHER ORDERED that, **upon the filing of petitioner's second amended petition**
4 **in compliance with this order, respondents' motion to dismiss (Doc. 31) will be denied** as moot.

5 IT IS FURTHER ORDERED that **the deadline for respondents' reply in support of their**
6 **motion to dismiss is suspended** pending the filing of petitioner's second amended petition.

7 Dated this 26th day of June, 2015.

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Jennifer A. Dorsey
United States District Judge